

REMARKS

Claims 1-17 are pending in this application. By this Amendment, claims 2, 4, 8, 10, 14, 16 and 17 are amended. No new matter is added. Applicants respectfully request reconsideration and prompt allowance of the pending claims at least in light of the following remarks.

Claims 2, 4, 8, 10 and 14 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the Examiner alleges that it is unclear whether "another first image forming member" in line 2 of claim 2 is the same or different from the "first image forming member" in claim 1. This rejection is obviated by the amendments to the rejected claims. Withdrawal of the rejection is respectfully requested.

Claim 17 is rejected under 35 U.S.C. §101. The rejection is obviated by the above amendment, which amends claim 17 consistent with the Examiner's suggestions. Withdrawal of the rejection is respectfully requested.

Claims 1-17 are rejected under 35 U.S.C. §102(e) over U.S. Patent Application Publication No. 2002/0170973 (Teraura). This rejection is respectfully traversed.

Teraura fails to disclose or suggest a data writing unit for writing the image data indicating the images formed on the single first image forming member into the first image forming member (where the written image data is stored within the data storage unit), as recited in claim 1 and 3, and similarly recited in 16 and 17.

The Office Action relies on paragraph [0071] of Teraura and alleges that Teraura discloses a data writing unit by the reader-writer for recording data from the RFID data in RFID tag 14 of the printing paper. See Office Action, page 4, lines 8-11. However, Teraura only discloses in paragraph [0071], "a first reader-writer 15 is provided to read data (RFID data) in the RFID tag 14 on a sheet of document paper 61 under feeding," and a second reader-writer 16 is "provided to record the data (RFID data) in the RFID tag." Teraura further

discloses that on the other hand, near the printing paper feeding path 9, upstream from the photosensitive drum 12, a third reader-writer 17 is provided to record data (RFID data).

However, there are no details of the RFID data.

The Examiner appears to be relying on inherency. However, the fact that a certain result or characteristic may occur or be present in the prior art is insufficient to establish the inherency of that result or characteristic. See, In re Rijckaert, 9 F.3d. 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993). See also MPEP §2112IV. Because no reasoning or rationale has been provided, each and every feature of claim 1 is not met.

That is, Teraura only teaches that the read data from the RFID tag 14 on a sheet of document paper 61 by the reader-writer 16 is written into the RFID tag 14 on a printing paper 13 by reader-writer 17. Teraura thus fails to teach or suggest that the RFID data has image data indicating an image formed on printing paper 13.

Furthermore, claim 1 recites that the image data, which the data writing unit writes, are the images formed on the originals and which are read by the image reading unit. Teraura fails to teach that such images printed on the originals are written into the RFID tag.

Therefore, Teraura does not teach or suggest that an image data read from a scanner is recorded in the RFID tag and that the RFID data has image data indicating an image formed on a printing paper 13. For these reasons, claims 1, 3, 15, 16 and 17 are patentable over Teraura.

With respect to independent claims 7, 9, 11 and 13, these claims recite a data writing unit, layout data, total number of images, sizes of original, and magnification data. However, these features are not found in Teraura. Regarding the rejections of claims 7 and 9, the Office Action alleges that "the data writing unit of claim 1 also has the inherent capability of recording all the data from original paper to printing paper within a specified position" (Office Action, page 6). However, the Examiner must provide rationale or evidence tending

to show such alleged inherency (MPEP §2112IV). Because this has not been done, it is improper to reject claims 7 and 9 by reason of inherency. Moreover, the rejection is based on claim 1, but fails to address features of independent claim 7, such as the "writing unit" recited in claim 7 or "layout data" indicating positions where the images formed on the single first image forming member are displayed.

Thus, because each and every feature of the claims is not found in Teraura, claims 7, 9, 11 and 13 are patentable over Teraura.

Claims 2, 4-6, 8, 10, 12 and 14, directly or indirectly, depend from claims 1, 3, 7, 9, 11, and 13. Thus, claims 2, 4-6, 8, 10, 12 and 14 are patentable over Teraura for their dependency on allowable base claims, as well as for the additional features they recite.

For the foregoing reasons, withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Stephen P. Catlin
Registration No. 36,101

JAO:HXT/amw

Date: February 5, 2008

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--